

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

UNITED STATES OF AMERICA,

Plaintiff,

v.

Land and Buildings Located at 295 Cyr Road,
Littleton, New Hampshire, with all Appurtenances
and Improvements Thereon, Owned by Wanda Yulfo
and Luis Yulfo

Defendant-in-rem.

CIVIL NO. 05-384-JD

**FINAL ORDER ON ASSENTED-TO MOTION TO SUBSTITUTE AND
FORFEIT \$40,000.00 FOR DEFENDANT IN REM 295 CYR ROAD, LITTLETON,
NEW HAMPSHIRE, AND TO DISMISS DEFENDANT IN REM
295 CYR ROAD, LITTLETON, NEW HAMPSHIRE**

1. On October 31, 2005, the United States commenced an action by Verified Complaint for Forfeiture in Rem, seeking the forfeiture of the defendant *in rem* real property 295 Cyr Road, Littleton, New Hampshire, titled to Wanda Yulfo and Luis Yulfo, pursuant to 21 U.S.C. § 881(a)(7). This Complaint, along with the Notice of Complaint, Writ of Entry, Notice of Lis Pendens, and ECF Notice, were served on all known potential claimants, including Wanda Yulfo and Luis Yulfo.

2. Wanda Yulfo and Luis Yulfo filed timely claims.

3. The United States and claimants, Wanda Yulfo and Luis Yulfo, have reached an agreement which provides for the substitution of \$40,000.00 in United States funds for the *res* of the defendant *in rem*, 295 Cyr Road, Littleton, New Hampshire, and for the forfeiture of the substitute *res*. The defendant *in rem* 295 Cyr Road, Littleton, New Hampshire, will be dismissed from this action.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED:

A. That the sum of \$40,000.00 in U.S. Currency is hereby substituted as the *res* for the defendant *in rem* 295 Cyr Road, Littleton, New Hampshire;

B. That the defendant *in rem* 295 Cyr Road, Littleton, New Hampshire is hereby dismissed from this proceeding;

C. That all rights, title and interests to the substituted defendant *in rem* \$40,000.00 in United States Currency is hereby condemned, forfeited and vested in the United States of America pursuant to 21 U.S.C. § 881(a)(7), free from the claims of any other party;

D. That the substituted defendant *in rem* \$40,000.00 in United States Currency shall be disposed of by the United States Marshals Service (USMS) in accordance with the applicable law and regulations. These funds, less costs to the USMS associated with the defendant *in rem*, shall be deposited into the Department of Justice Asset Forfeiture Fund in accordance with Title 28, United States Code, Section 524(c) and Title 21, United States Code, Section 881(e);

E. Wanda Yulfo and Luis Yulfo shall bear their own costs of this proceeding, including attorney's fees, if any.

The Clerk is hereby directed to send two certified copies of this Order to the United States Marshals Service and a copy to the United States Attorney's Office, Attention: Assistant U.S. Attorney Robert J. Rabuck.

Dated: January 10, 2007 _____

/s/ Joseph A. DiClerico, Jr. _____

UNITED STATES DISTRICT JUDGE